

SUNSHINE ADVISORY

A Bulletin on Iowa Open Meetings and Public Records Laws

By Attorney General Tom Miller -- April 2008

“Golden Rules” for Public Records Requests

When a person requests access to a public record, questions may arise: Does the requester have to explain a reason for the request? Does the person have to show identification to get access to the record? Do public officials have to give a reason to deny access to a record?

Here are “Golden Rules” to help public officials respond to requests for access to public records -- and to explain the legal rights of persons requesting access:

Rule 1: The reason a requester wants the record is irrelevant. (So, officials should not ask.)

Records which are open to public examination must be produced no matter what the reason for the request. The public can examine and copy a record just because it's there.

Rule 2: The identity of the requester usually is irrelevant. (Officials should not ask for identification, unless there is a lawful reason to do so.)

Members of the public usually should not be required to identify themselves in order to get access to public records. However, if a record is only open to certain people for limited purposes (for example, motor vehicle accident records), then the lawful custodian may need to ask for additional information to assure the record is only provided to those entitled to see it.

Rule 3: Public records may not be withheld without legal authority.

Iowa's public policy is simple: Every person has the right to examine and copy public records, and officials' failure to provide access to public records can result in civil or criminal penalties. Before access to a record is denied, public officials must have a valid legal reason for denying access to the record. Public officials may consult with their legal counsel if necessary.

Iowa Code Ch. 22 spells out the rights and obligations of getting and giving access to public records. Officials managing public records should follow the Golden Rules: Don't ask irrelevant questions, and don't deny access without legal authority.

This Advisory was first issued in August 2002. Citizens who have inquiries or complaints about public records or open meetings may call the Iowa Citizens' Aide/Ombudsman Office – toll-free at 888-IA-OMBUD (888-426-6283.)

“Sunshine Advisory” bulletins provide information on Iowa's public records and open meetings laws – our “Sunshine Laws.” The bulletins are a resource for public officials and citizens. Local officials should obtain legal advice from their counsel, such as the city or county attorney.

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